

File No. 141001

Committee Item No. 2

Board Item No. 14

COMMITTEE/BOARD OF SUPERVISORS

AGENDA PACKET CONTENTS LIST

Committee: Neighborhood Services & Safety

Date October 23, 2014

Board of Supervisors Meeting

Date November 25, 2014

Cmte Board

December 9, 2014

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- 11/25 Amended ordinance
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Completed by: Derek Evans Date 10/17/14
 Completed by: Derek Evans Date 11/20/14 12/1/14

An asterisked item represents the cover sheet to a document that exceeds 25 pages.
 The complete document ~~787~~ be found in the file.

1 [Administrative Code - Requiring City Contractors to Submit Equal Pay Report and
2 Establishing Equal Pay Advisory Board]

3 **Ordinance amending the Administrative Code to require certain City contractors and**
4 **subcontractors with 20 or more employees to submit an Equal Pay Report regarding**
5 **compensation paid to employees; and establishing the Equal Pay Advisory Board to**
6 **analyze and recommend the best methods of data collection that will identify wage**
7 **gaps, and setting forth the membership and duties of the Advisory Board.**

8
9 **NOTE:** **Unchanged Code text and uncodified text** are in plain Arial font.
10 **Additions to Codes** are in *single-underline italics Times New Roman font*.
11 **Deletions to Codes** are in *strikethrough italics Times New Roman font*.
12 **Board amendment additions** are in double-underlined Arial font.
13 **Board amendment deletions** are in ~~strikethrough Arial font~~.
14 **Asterisks (* * * *)** indicate the omission of unchanged Code
15 subsections or parts of tables.

16 Be it ordained by the People of the City and County of San Francisco:

17 Section 1. The Administrative Code is hereby amended by revising Section 12B, to
18 read as follows:

19 **SECTION 12B.2. NONDISCRIMINATION PROVISIONS.**

20 Every contract and property contract for or on behalf of the City shall incorporate by
21 reference and require the contractor to comply with the provisions of Section 12B.2. In
22 addition, all contractors must incorporate by reference in all subcontracts and require
23 subcontractors to comply with the requirements set forth in Sections 12B.2(a) and 12B.2(c)
24 through 12B.2(k), and failure to do so shall constitute a material breach of contract.

25 In the performance of a contract the contractor agrees as follows:

1 (a) The contractor or subcontractor will not discriminate against any employee, City
2 and County employee working with such contractor or subcontractor, or applicant for
3 employment with such contractor or subcontractor on the basis of the fact or perception of that
4 person's race, color, religion, ancestry, national origin, age, sex, sexual orientation, gender
5 identity, domestic partner status, marital status, disability, weight, height, AIDS/HIV status, or
6 association with members of classes protected under this chapter or in retaliation for
7 opposition to any practices forbidden under this chapter. Discrimination on the basis of sex
8 includes sexual harassment as defined in Section 16.9-25(b) of this Code. The contractor or
9 subcontractor will take action to ensure that applicants are employed, and that employees are
10 treated equally during employment, without regard to the fact or perception of their race, color,
11 creed, religion, ancestry, national origin, age, sex, sexual orientation, gender identity,
12 domestic partner status, marital status, disability or AIDS/HIV status. Such action shall
13 include, but not be limited to, the following: Employment, upgrading, demotion or transfer;
14 recruitment or recruitment advertising; layoff or termination; rate of pay or other forms of
15 compensation; and selection for training, including apprenticeship. Nothing in this Chapter
16 shall require or prohibit the establishment of new classifications of employees in any given
17 craft. The provisions of this Section with respect to age shall not apply to (1) termination of
18 employment because of the terms or conditions of any bona fide retirement or pension plan,
19 (2) operation of the terms or conditions of any bona fide retirement or pension plan which has
20 the effect of a minimum service requirement, and (3) operation of the terms or conditions of
21 any bona fide group or insurance plan. The contractor or subcontractor agrees to post in
22 conspicuous places, available to employees and applicants for employment, notices in such
23 form and content as shall be furnished or approved by the awarding authority setting forth the
24 provisions of this Section.
25

1 (b) The prime contractor shall state that the prime contractor does not, and will not
2 during the term of the contract discriminate in the provision of bereavement leave, family
3 medical leave, health benefits, membership or membership discounts, moving expenses,
4 pension and retirement benefits or travel benefits as well as any benefits other than
5 bereavement leave, family medical leave, health benefits, membership or membership
6 discounts, moving expenses, pension and retirement benefits or travel benefits between
7 employees with domestic partners and employees with spouses, and/or between the domestic
8 partners and spouses of such employees, where the domestic partnership has been
9 registered with a governmental entity pursuant to State or local law authorizing such
10 registration, subject to the following conditions. In the event that the contractor's actual cost of
11 providing a certain benefit for the domestic partner of an employee exceeds that of providing it
12 for the spouse of an employee, or the contractor's actual cost of providing a certain benefit for
13 the spouse of an employee exceeds that of providing it for the domestic partner of an
14 employee, the contractor shall not be deemed to discriminate in the provision of benefits if the
15 contractor conditions providing such benefit upon the employee agreeing to pay the excess
16 costs. In addition, in the event a contractor is unable to provide a certain benefit, despite
17 taking reasonable measures to do so, the contractor shall not be deemed to discriminate in
18 the provision of benefits if the contractor provides the employee with a cash equivalent. The
19 Director shall be the final arbiter of a contractor's or property contractor's compliance or
20 substantial compliance with this Chapter and the Director's determination shall not be
21 appealable to the Commission. Contractors shall treat as confidential to the maximum extent
22 allowed by law or the requirements of contractor's insurance provider any request by an
23 employee or applicant for employment for domestic partner or spousal benefits or any
24 documentation of eligibility for domestic partner or spousal benefits submitted by an employee
25 or applicant for employment.

1 In adopting this Section 12B.2(b), the intent of the Board of Supervisors is to
2 equalize to the maximum extent legally permitted the total compensation between similarly
3 situated employees with spouses and employees with domestic partners.

4 In particular, consistent with the severability clause set forth in Section 12B.6
5 below, the Board of Supervisors intends that if a court or agency of competent jurisdiction
6 finds that a State or federal law, rule or regulation invalidates (1) the application of this Section
7 to any business, person, type of compensation or benefit, or location; or (2) any other
8 requirement of this Section, then the court or agency should sever the invalid clause and
9 leave in effect the remainder of this Section.

10 (c) The contractor or subcontractor shall provide reasonable accommodation for
11 qualified disabled applicants for employment and for qualified disabled employees. Said
12 contractor or subcontractor need not provide reasonable accommodation if such would
13 present an undue hardship. An undue hardship may include but not be limited to more than a
14 de minimus cost, violation of the seniority rights of other co-workers as established by a bona
15 fide seniority system, or a health or safety risk to the employee or co-employees. The burden
16 of establishing an undue hardship rests on the employer.

17 (d) The contractor or subcontractor will in all solicitations or advertisements for
18 employees placed by or on his or her behalf, state that qualified applicants will receive
19 consideration for employment without regard to the fact or perception of their race, creed,
20 religion, color, ancestry, national origin, age, sex, sexual orientation, gender identity, domestic
21 partner status, marital status, disability, weight, height or AIDS/HIV status.

22 (e) The contractor or subcontractor will send to each labor union or representative of
23 workers with which he or she has a collective bargaining agreement or other agreement or
24 understanding, a notice, in such form and content as shall be furnished or approved by the
25 awarding authority, advising the said labor union or workers' representative of the contractor's

1 or subcontractor's commitments under this Section, and shall post copies of the notice in
2 conspicuous places available to employees and applicants for employment.

3 (f) The contractor or subcontractor shall:

4 (1) will Ppermit access to its records of employment, employment advertisements,
5 application forms, and other pertinent data and records by the Commission, the City's
6 awarding authority or the Fair Employment and Housing Commission, for the purposes of
7 investigation to ascertain compliance with the nondiscrimination provisions of this Chapter,
8 and upon request shall provide evidence that the contractor has complied or will comply with
9 the nondiscrimination provisions of this Chapter.

10 (2) Submit an Equal Pay Report if the contractor or subcontractor has at least 20 employees
11 worldwide and, for a contract or subcontract, the agreement has a value equal to or in excess of the
12 Threshold Amount set forth in Administrative Code Chapter 6 or the Minimum Competitive Amount set
13 forth in Administrative Code Chapter 21, as applicable, or, for a grant, the agreement has a value
14 equal to or in excess of \$50,000.

15 (A) The Equal Pay Report shall provide summary information on compensation paid to
16 employees identified by sex, race, sex and race, and data points the Commission has adopted by
17 regulation.

18 (B) Each contractor or subcontractor shall file a complete and accurate Equal Pay
19 Report with the Commission commencing on a date set by the Commission but no later than January
20 31, 2016~~September 30, 2015.~~ Thereafter, each contractor or subcontractor shall file a Equal
21 Pay Report annually.

22 (C) The Equal Pay Report requirements of this Subsection (f)(2) shall apply to all
23 qualifying contracts, subcontracts and grants first advertised for bid, request for qualification or
24 proposal is issued, or initiated on a date set by the Commission but no later than January 31,
25 2016~~September 30, 2015.~~

1 (D) To the extent If any information in the Equal Pay Report qualifies constitutes
2 as proprietary financial data, or confidential trade secret, or is protected by the right of privacy
3 under the U.S. or California Constitution, the City shall not disclose such the information
4 unless required by law, including under the California Public Records Act and the San
5 Francisco Sunshine Ordinance.

6 (g) A contractor or subcontractor shall be deemed to have breached the
7 nondiscrimination provisions of this Chapter upon:

8 (1) A finding by the Director or such other official who may be designated by the
9 Commission, that the contractor or subcontractor has willfully violated such nondiscrimination
10 provisions; or

11 (2) A finding by the California Fair Employment and Housing Commission that a
12 contractor or subcontractor has violated any provision of the California Fair Employment and
13 Housing Act or the nondiscrimination provisions of this Chapter, provided that the California
14 Fair Employment and Housing Commission has issued a final order pursuant to Section
15 12970 of the Government Code, or has obtained a judgment and order enforcing the final
16 order pursuant to Section 12973 of the Government Code; provided further, that for the
17 purposes of these provisions, an order or injunction shall not be considered final during the
18 period within which (1) appeal may be taken, or (2) the same has been stayed by order of
19 court, or (3) further proceedings for vacation, reversal or modification are in progress before a
20 competent administrative or judicial tribunal.

21 (3) Upon such finding by the Director or other official designated by the
22 Commission, or the California Fair Employment and Housing Commission, the awarding
23 authority shall notify the contractor or subcontractor that unless the contractor or
24 subcontractor demonstrates to the satisfaction of the Director or other official designated by
25 the Commission, within such reasonable period as the Commission shall determine, that the

1 violation has been corrected, action will be taken as set forth in Subparagraphs (h) and (i)
2 hereof.

3 (4) The Commission shall, within 10 days of the date of issuance of any finding by
4 the Director or other official designated by the Commission for the enforcement of this
5 Chapter, mail to any person or persons affected by said finding, a copy of said finding,
6 together with written notice of the right to appeal such finding. Notice of appeal must be filed
7 in writing with the Chairperson of the Commission within 20 days of the date of mailing said
8 copy and notice.

9 (5) For purpose of appeal proceedings under this Section, a quorum shall consist
10 of eight members of the Commission. The vote of the majority of the full Commission shall be
11 necessary to affirm, reverse or modify such decisions, order or other action rendered
12 hereunder. Should a member of the Commission be designated under Section 12B.2(g)(1) of
13 this Chapter, that Commissioner may not participate in an appeal under this Section except as
14 a witness.

15 (6) The presiding officer of the Commission shall have the power to administer
16 oaths to witnesses in appeals before the Commission under this Section. In the event that any
17 person shall fail or refuse to appear as a witness in any such proceeding after being
18 requested to do so, and if it shall appear to the Commission that his or her testimony, or
19 books, records, documents or other things under his or her control are material and relevant
20 as evidence in the matter under consideration by the Commission in the proceeding, the
21 presiding officer of the Commission may subpoena such person, requiring his or her presence
22 at the proceeding, and requiring him or her to bring such books, records, documents or other
23 things under his or her control.

24 (7) All appeals to the Commission shall be open to the public. Records and
25 minutes shall be kept of such proceedings and shall be open to public inspection. Upon

1 reaching a decision in any appeal, the Commission shall give written notice thereof to the
2 Director or other official designated by the Commission, and the appellant or appellants. The
3 decision of the Commission shall be final unless within 15 days of the filing and service of
4 written notice thereof appropriate legal proceedings are filed in a court of competent
5 jurisdiction by any party to the contract, property contract or subcontract.

6 (8) If any contractor or subcontractor shall fail to appear at an appeal proceeding
7 of the Commission after having been given written notice to appear, such failure to appear
8 shall be grounds for termination of the contract, property contract or subcontract and such
9 contractor or subcontractor shall be deemed to have forfeited all rights, benefits and privileges
10 thereunder.

11 (9) The Commission shall promulgate rules and regulations for the implementation
12 of the nondiscrimination provisions of this Chapter.

13 (h) The awarding authority may deduct from the amount payable to the contractor or
14 subcontractor by the City under any contract or property contract subject to this Chapter, or
15 may impose upon the contractor or subcontractor, a penalty of \$50 for each person for each
16 calendar day during which such person was discriminated against in violation of the provisions
17 of this Chapter. In addition to any other penalties provided for the violation of the
18 nondiscrimination provisions of this Chapter or for the failure of any contractor or
19 subcontractor to abide by the rules and regulations of the Commission, the contract, property
20 contract or subcontract may be terminated or suspended, in whole or in part, by the awarding
21 authority upon the basis of a finding as set forth in Section 12B.2(g) that the contractor has
22 discriminated contrary to the provisions of this Chapter, and all moneys due or to become due
23 hereunder may be forfeited to, and retained by, the City.

24 (i) A breach of the nondiscrimination provisions in the performance of a contract,
25 property contract or subcontract shall be deemed by the City to be material breach of contract

1 and the basis for determination by the awarding authority that the contractor or subcontractor
2 is an irresponsible bidder as to all future contracts or property contracts for which such
3 contractor or subcontractor may submit bids. Such contractor or subcontractor shall not for a
4 period of up to two years thereafter, or until it shall establish and carry out a program in
5 conformity with the nondiscrimination provisions of this Chapter, be allowed to act as a
6 contractor or subcontractor under any contract or property contract.

7 (j) If a finding of discrimination is made by either the Director or the Commission, the
8 contract awarding department shall submit a report to the Board of Supervisors, the Mayor's Office,
9 and the Commission that provides details of what actions, if any, the contract awarding department
10 undertook under this Chapter.

11 (k) The Commission shall provide an annual report to the Board of Supervisors summarizing
12 the effectiveness of the information obtained from the Equal Pay Reports, recommendations for
13 legislative change if needed, and a summary of the investigations, if any, that stem from the Equal Pay
14 Reports. The Commission's recommendations shall include drafts of one or more ordinances if
15 legislative change is necessary or desirable to implement the recommendations.

16 ~~(l)~~ Nothing contained in this Chapter shall be construed in any manner so as to
17 prevent the City from pursuing any other remedies that may be available at law, equity or
18 under any contract or property contract.

19 ~~(m)~~ The contractor or subcontractor will meet the following standards for compliance:

20 (1) If the contractor or subcontractor has been held to be an irresponsible bidder
21 under Section 12B.2(i) hereof, the contractor or subcontractor shall furnish evidence that it
22 has established and is carrying out a program in conformity with the nondiscrimination
23 provisions of this Chapter.

24 (2) The contractor or subcontractor may be required to file with the Commission a
25 basic compliance report, which may be a copy of the federal EEO-1, or a more detailed report

1 as determined by the Commission. Willful false statements made in such reports shall be
2 punishable as provided by law. No contractor or subcontractor shall be held in noncompliance
3 for not filing such a report with the Commission unless it has been specifically required to do
4 so in writing by the Commission.

5 (3) Personally, or through its representatives, the contractor or subcontractor
6 shall, through negotiations with the unions with whom it has collective bargaining or other
7 agreements requiring the contractor or subcontractor to obtain or clear its employees through
8 the union, or when the contractor or subcontractor otherwise uses a union as an employment
9 resource, attempt to develop an agreement which will:

10 (A) Define and outline responsibilities for nondiscrimination in hiring, referral,
11 upgrading and training;

12 (B) Otherwise implement a nondiscrimination program in terms of the unions'
13 specific areas of skill and geography, such as an apprenticeship program, to the end that
14 minority workers will be available and given an equal opportunity for employment.

15 (4) The contractor or subcontractor shall notify the awarding authority of opposition to
16 the nondiscrimination provisions of a contract by individuals, firms or organizations during the
17 term of the contract.

18 Section 2. The Administrative Code is hereby amended by revising Section 12B, to
19 add Sections 12B.2-1, 12B.2-2, 12B.2-3, 12B.2-4, 12B.2-5, and 12B.2-6, to read as follows:

20 **SECTION 12B.2-1. EQUAL PAY ADVISORY BOARD.**

21 (a) There is hereby established an Equal Pay Advisory Board ("Advisory Board") consisting of
22 seven voting members, with the Board of Supervisors appointing Seats 1, 2, and 3; the Mayor
23 appointing Seats 4 and 5; and the Commission on the Status of Women appointing Seats 6
24 and 7 with the following qualifications: who shall be appointed as follows:

25 — (1) three persons appointed by the Board of Supervisors;

1 ~~_____ (2) two persons appointed by the Mayor; and~~

2 ~~_____ (3) two persons appointed by the Commission on the Status of Women.~~

3 (1) Seat 1: A person who works in or represents workers in an industry where
4 wage discrimination is common.

5 (2) Seat 2: A person who has worked as a discrimination or employment
6 lawyer with an emphasis on gender equity.

7 (3) Seat 3: A person with expertise on discrimination against women of color.

8 (4) Seat 4: A person who works in human resources responsible for diversity.

9 (5) Seat 5: A person who owns a small or medium size business that has
10 contracted with the City and County of San Francisco.

11 (6) Seat 6: A person who has worked in quantitative gender analysis, including
12 statistics.

13 (7) Seat 7: A person employed by a nonprofit organization that contracts with
14 the City with experience advocating for equal pay for equal work.

15 (b) Appointing authorities shall appoint members within 60 days of the effective date of this
16 Section 12B.2-1. If the appointing authority fails to act within the aforementioned 60 days, or if at any
17 subsequent time there has been a vacancy on the Advisory Board for more than 60 days, the Director of
18 the Human Rights Commission shall have the power to make an appointment to fill any such vacancy.
19 But so long as the Director of the Human Rights Commission has not made such an appointment, the
20 appointing authority retains the power to fill the vacancy.

21 (c) The members of the Advisory Board shall be broadly representative of the diversity of San
22 Francisco. All members of the Advisory Board shall be residents of the City and County of San
23 Francisco. In making appointments to the Advisory Board, the appointing authorities shall
24 appoint persons from varying backgrounds who have demonstrated abilities, skills, or
25 experience or expertise in at least one of the following areas: women's studies or history,

1 ~~discrimination or employment law, equal pay advocacy, or working in an industry where wage~~
2 ~~discrimination according to sex and/or race is common.~~

3 (d) All members of the Advisory Board serve at the pleasure of their appointing authority.
4 Even if a member has been appointed by the Director of the Human Rights Commission under
5 subsection (b), the member serves at the pleasure of the member's appointing authority; provided,
6 however, that the appointing authority may remove a member appointed by the Director of the Human
7 Rights Commission only if the appointing authority replaces that member with another person.

8 **SECTION 12B.2-2. ORGANIZATION AND MEETINGS.**

9 (a) The initial meeting of the Advisory Board shall be held within 30 days from the date the
10 Board of Supervisors completes its appointments to Seats 1, 2, and 3, provided that a majority of all
11 the members of the Advisory Board have been appointed. There shall be ten days' public notice of the
12 inaugural meeting of the Advisory Board. Such notice shall be posted on the City's website, at a
13 minimum on the website of the Human Rights Commission and the Commission on the Status of
14 Women, and also filed at the Main Branch of the Public Library. Such notice need not include a
15 detailed agenda, which must be published at least three days before the meeting, in accordance with
16 the requirements of the Brown Act and the Sunshine Ordinance. For purposes of this subsection (a),
17 completion of the Board of Supervisors' appointments includes appointments made by the Director of
18 the Human Rights Commission in the event of a vacancy lasting more than 60 days, as specified in
19 Section 12B.2-1(b).

20 (b) The members of the Advisory Board shall designate the Chair of the Advisory Board.

21 **SECTION 12B.2-3. POWERS AND DUTIES.**

22 (a) The Advisory Board shall analyze and recommend the best method or methods of data
23 collection that will identify wage gaps between men and women of the same or different races and
24 among members of different races, and that will minimize the burden on City contractors and
25 subcontractors in providing the data. The Advisory Board shall also analyze and recommend data

1 points that may include but are not limited to employees' education, years of work experience, and
2 specialized skills, that would aid in the analysis of wage disparities. The Advisory Board's
3 recommendations shall include drafts of one or more recommendations for additional ordinances
4 if legislative change is necessary or desirable to implement the recommendations.

5 (b) The Advisory Board shall make its recommendation to the Board of Supervisors and the
6 Human Rights Commission within six months of its inaugural meeting. Thereafter, the Advisory Board
7 shall meet at least once every four months to evaluate the effectiveness of the data collection methods
8 used and make further recommendations as appropriate.

9 **SECTION 12B.2-4. COMPENSATION.**

10 Members of the Advisory Board shall not be compensated, nor shall they be reimbursed for
11 expenses, if any.

12 **SECTION 12B.2-5. STAFFING.**

13 (a) The Human Rights Commission shall provide in-kind professional and administrative staff
14 to the Advisory Board.

15 (b) All City officials and departments, boards, and commissions, including but not limited to
16 contracting departments, shall cooperate with the Advisory Board in the performance of its duties.

17 **SECTION 12B.2-6. SUNSETTING.**

18 (a) The Advisory Board and sections pertaining thereto (Sections 12B.2-1 through 12B.2-6)
19 shall expire by operation of law on October 1, 2017, unless the Board of Supervisors adopts an
20 ordinance continuing the existence of the Advisory Board.

21 (b) The Advisory Board shall submit a report to the Board of Supervisors by May 1, 2017
22 recommending whether the Advisory Board should continue to operate, and if so, whether the Board of
23 Supervisors should consider legislative changes that would enhance the capacity of the Advisory Board
24 to achieve its goals.

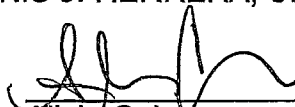
1 (c) Upon expiration of the Advisory Board as specified in subsection (a), the City Attorney shall
2 cause Sections 12B.2-1, 12B.2-2, 12B.2-3, 12B.2-4, 12B.2-5, and 12B.2-6 to be removed from the
3 Municipal Code.

4 Section 3. Effective Date. This ordinance shall become effective 30 days after
5 enactment. Enactment occurs when the Mayor signs the ordinance, the Mayor returns the
6 ordinance unsigned or does not sign the ordinance within ten days of receiving it, or the Board
7 of Supervisors overrides the Mayor's veto of the ordinance.

8 Section 4. Scope of Ordinance. In enacting this ordinance, the Board of Supervisors
9 intends to amend only those words, phrases, paragraphs, subsections, sections, articles,
10 numbers, punctuation marks, charts, diagrams, or any other constituent parts of the Municipal
11 Code that are explicitly shown in this ordinance as additions, deletions, Board amendment
12 additions, and Board amendment deletions in accordance with the "Note" that appears under
13 the official title of the ordinance.

14
15 APPROVED AS TO FORM:
16 DENNIS J. HERRERA, City Attorney

17 By:



18 Alicia Cabrera
19 Deputy City Attorney

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LEGISLATIVE DIGEST

[Administrative Code - Requiring City Contractors to Submit Equal Pay Report; Creating Equal Pay Advisory Board]

Ordinance amending the Administrative Code to require certain City contractors and subcontractors with 20 or more employees to submit an Equal Pay Report regarding compensation paid to employees; and establishing the Equal Pay Advisory Board to analyze and recommend the best methods of data collection that will identify wage gaps, and setting forth the membership and duties of the Advisory Board.

Existing Law

There is no law that requires City contractors or subcontractors to affirmatively provide the City with a report that provides information on its employees' compensation identified by sex and race.

Amendments to Current Law

This legislation will require City contractors and subcontractors to annually submit an Equal Pay Report that provides information on compensation paid to employees identified by sex, race, sex and race, and data points the Human Rights Commission has adopted by regulation. Relevant data points may include but are not limited to employees' education, years of work experience, specialized skills, and any other factor that would aid in the analysis of wage disparities. The Human Rights Commission may use the information contained in the Equal Pay Report as an investigative tool to investigate wage disparities based on race and gender.

This legislation also creates the Equal Pay Advisory Board for the purposes of analyzing and recommending the best method or methods of data collection that will identify wage gaps between men and women of the same or different races and among members of different races. The Advisory Board will also analyze and recommend data points that will aid in the analysis of wage disparities. The Advisory Board shall make its recommendations to the Human Rights Commission.

On October 23, 2014, the Neighborhood Services and Safety Committee amended this legislation to 1) clarify that the Equal Pay Report is an annual submittal for all contractors and subcontractors; and 2) add qualifications to the Equal Pay Advisory Board members.

On October 28, 2014, the Board of Supervisors amended this legislation to protect from disclosure any information contained in the Equal Pay Report that constitutes proprietary financial data or trade secret and to clarify the qualifications for Seat 7 on the Advisory Board.

On November 25, 2014, the Board of Supervisors amended this legislation to protect from disclosure any information that constitutes an individual's right to privacy under the U.S. or California Constitution. In addition, the Board of Supervisors amended the legislation to push back the date for the submission of the equal pay report to January 31, 2016. Lastly, the Advisory Board is required to make its report and recommendations not only to the Human Rights Commission but to the Board of Supervisors.

Background Information

Currently, City contractors and subcontracts are prohibited from discriminating against any employee, City and County employee working with such contractor or subcontractor, or applicant for employment with such contractor subcontractor on the basis of fact or perception of that person's race, color, religion, ancestry, national origin, sex, and other protected categories. For purposes of investigation and to ascertain compliance with the City's nondiscrimination laws, City contractors and subcontractors must permit access to its records. This legislation adds another tool to the menu of options the Human Rights Commission may use to investigate allegations of wage disparities among gender and race.

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SMALL BUSINESS COMMISSION
OFFICE OF SMALL BUSINESS



CITY AND COUNTY OF SAN FRANCISCO
EDWIN M. LEE, MAYOR

October 27, 2014

Ms. Angela Calvillo, Clerk of the Board
Board of Supervisors
City Hall room 244
1 Carlton B. Goodlett Place
San Francisco, CA 94102-4694

Re: File No. 141001 [Administrative Code - Requiring City Contractors to Submit Equal Pay Report; Creating Equal Pay Advisory Board]

Small Business Commission Recommendation: No recommendation at this time and moved to continue the item until the specifics of the data to be reported is established.

Dear Ms. Calvillo:

On October 27, 2014, the Small Business Commission (SBC) voted unanimously to continue BOS File No. 141001 to the call of the President of the Small Business Commission.

The Commission did express its support of the intent of the legislation. The Small Business Commission is appreciative of the amendments made in Committee and ensuring that a Small Business is one of the assigned seats of the Advisory Board, and of the proposed amendment that the data will be gathered in the aggregate.

The area of concerns for the Small Business Commission that resulted in no recommendation at this time:

1. The hearing process of the legislation did not allow for the both the Human Rights Commission and the Commission on the Status of Women to hear the item and provide the Board of Supervisors recommendations of the perspective commission. The Small Business Commission recommends these two commissions to hear and advise the Board of Supervisors before the Board of Supervisors take action.
2. LBE representation and the SF Chamber of Commerce where not part of the stakeholder group that provided input into the legislation prior to introduction. Input from representatives of these two entities needs to be included before the Board of Supervisors take action
3. The specifics of how and what data is collected and reported is unknown at this time. For businesses between 20 and 50 employees, many do not have either in-house HR staff or third party consultants. The Small Business Commission wants to be assured that for



SMALL BUSINESS COMMISSION
OFFICE OF SMALL BUSINESS



CITY AND COUNTY OF SAN FRANCISCO
EDWIN M. LEE, MAYOR

smaller businesses how the data collected (not reported) will not put smaller businesses in jeopardy of violating an employee's right of privacy.

4. The Small Business Commission wants to know what the cost will be to both the Human Rights Commission and small businesses to comply with collecting and reporting the data.

Sincerely,

A handwritten signature in cursive script, which appears to read "Regina Dick-Endrizzi".

Regina Dick-Endrizzi
Director, Office of Small Business

- cc. Supervisor David Campos, Board of Supervisors
Board of Supervisors
Nicole Wheaton, Mayor's Office
Theresa Sparks, Human Rights Commission
Emily Murase, Commission on the Status of Women

Evans, Derek

From: Dick-Endrizzi, Regina (MYR)
Sent: Tuesday, October 28, 2014 1:19 PM
To: Campos, David (BOS); Avalos, John (BOS); Breed, London (BOS); Chiu, David (BOS); Cohen, Malia (BOS); Farrell, Mark (BOS); Kim, Jane (BOS); Mar, Eric (BOS); Tang, Katy (BOS); Wiener, Scott; Yee, Norman (BOS)
Cc: BOS-Legislative Aides; Calvillo, Angela (BOS); Evans, Derek; Wheaton, Nicole (MYR)
Subject: File No. 141001 - Equal Pay Report
Attachments: 141001 legislative response Equal Pay Ordinance.pdf

Dear Supervisors,

Last night the Small Business Commission heard File No. 141001 [Administrative Code - Requiring City Contractors to Submit Equal Pay Report; Creating Equal Pay Advisory Board]. Below is the Commission's response.

Small Business Commission Recommendation: **No recommendation at this time and moved to continue the item until the specifics of the data to be reported is established.**

On October 27, 2014, the Small Business Commission (SBC) voted unanimously to continue BOS File No. 141001 to the call of the President of the Small Business Commission.

The Commission did express its support of the intent of the legislation. The Small Business Commission is appreciative of the amendments made in Committee and ensuring that a Small Business is one of the assigned seats of the Advisory Board, and of the proposed amendment that the data will be gathered in the aggregate.

The area of concerns for the Small Business Commission that resulted in no recommendation at this time:

1. The hearing process of the legislation did not allow for the both the Human Rights Commission and the Commission on the Status of Women to hear the item and provide the Board of Supervisors recommendations of the perspective commission. The Small Business Commission recommends these two commissions to hear and advise the Board of Supervisors before the Board of Supervisors take action.
2. LBE representation and the SF Chamber of Commerce where not part of the stakeholder group that provided input into the legislation prior to introduction. Input from representatives of these two entities needs to be included before the Board of Supervisors take action
3. The specifics of how and what data is collected and reported is unknown at this time. For businesses between 20 and 50 employees, many do not have either in-house HR staff or third party consultants. The Small Business Commission wants to be assured that for smaller businesses how the data collected (not reported) will not put smaller businesses in jeopardy of violating an employee's right of privacy.
4. The Small Business Commission wants to know what the cost will be to both the Human Rights Commission and small businesses to comply with collecting and reporting the data.

Kindly,

Regina Dick-Endrizzi | Executive Director | Office of Small Business
regina.dick-endrizzi@sfgov.org | D: 415.554.6481 | O: 415.554.6134 | c: 415.902-4573
City Hall, Suite 110 | San Francisco, CA 94102

www.sfgov.org/osb | www.facebook.com/SFOSB | www.twitter.com/sfosb

Evans, Derek

om: Gosiengfiao, Rachel (BOS)
Sent: Tuesday, October 28, 2014 2:17 PM
To: BOS-Supervisors; Evans, Derek
Subject: DOSW: File No. 141001 [Administrative Code - Requireing City Contractors to Submit Equal Pay Report; Creating Equal Pay Advisory Board]

From: Murase, Emily (WOM)
Sent: Tuesday, October 28, 2014 1:40 PM
To: Calvillo, Angela (BOS)
Cc: Nancy Kirshner-Rodriguez; 'andreashorter@yahoo.com'; Newman, Elizabeth (WOM)
Subject: DOSW: File No. 141001 [Administrative Code - Requireing City Contractors to Submit Equal Pay Report; Creating Equal Pay Advisory Board]

Ms. Calvillo:

I would like to reiterate the statement I made to the Neighborhood Services Committee last Thursday.

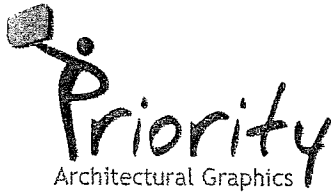
The Commission on the Status of Women strongly supports pay equity and has asked for an opportunity to convene in Special Session to review the proposed legislation.

Thank you very much.

Emily

Emily M. Murase, PhD
Executive Director
San Francisco Department on the Status of Women
25 Van Ness Avenue, Suite 240
San Francisco, CA 94102
415.252.2571
www.sfgov.org/dosw

****In 1998, San Francisco became the first city in the world to enact a local ordinance reflecting the principles of the UN Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW), an international bill of rights for women that then-President Jimmy Carter signed but has yet to be ratified by the US Senate, leaving the US among just 7 nations, and the only industrialized nation, in the world who have not signed on. In March 2014, Mayor Edwin Lee challenged 100 U.S. cities to become CEDAW cities in time for the US Conference of Mayors meeting to be hosted by San Francisco in June 2015. Learn more at www.cities4cedaw.org.****



telephone > 415 643 1144 facsimile > 415 643 1145 e-mail > artwork@prioritygraphics.com
1596 Hudson Avenue, San Francisco, CA 94124 | www.prioritygraphics.com

October 22, 2014

Neighborhood Services and Safety Committee
1 Dr Carlton B. Goodlett Place, City Hall
San Francisco CA 94102-4689

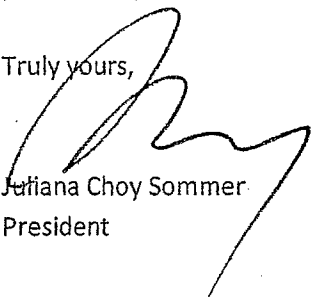
Dear Committee Members,

As a female business owner of a manufacturing and contracting business in the City and County of San Francisco, I would like to share my concern of the draft legislation that attempts to unfairly control our compensation practices. Running a business in San Francisco is extremely challenging and continual exertion of oversight and pressure on business owners is a cause for alarm.

Gender inequality is an issue that strikes close to my heart. As a female doing business in the construction industry, it is imperative that doors are continually broken open to allow women like myself to earn a livelihood. However, this dangerous legislation fails to address the root causes of pay equality and instead adds a layer of bureaucratic oversight that can be prone to abuse.

I hope that the committee understands the far reaching ramifications that this legislation will have on the local business community. Let us first have a meaningful dialogue over this matter instead of simply fast-tracking legislation that may not address the issue. There are many stakeholders that need to be a part of this process and I do not feel there has been adequate time for discourse.

Truly yours,


Juliana Choy Sommer
President

President, District 3
BOARD of SUPERVISORS



Bos., Rules, NSS, Leg. Dep.
COR

City Hall
1 Dr. Carlton B. Goodlett Place, Room 244
San Francisco 94102-4689
Tel. No. 554-7450
Fax No. 554-7454
TDD/TTY No. 544-5227

DAVID CHIU
邱信福
市參事會主席

PRESIDENTIAL ACTION

Date: 9/30/14
To: Angela Calvillo, Clerk of the Board of Supervisors

Madam Clerk,
Pursuant to Board Rules, I am hereby:

Waiving 30-Day Rule (Board Rule No. 3.23)

File No. _____
(Primary Sponsor)

Title. _____

Transferring (Board Rule No. 3.3)

File No. 141001 Campos
(Primary Sponsor)

Title. Requiring City Contractors to Submit an Equal

From: Rules Committee

To: Neighborhood Services & Safety Committee

Assigning Temporary Committee Appointment (Board Rule No. 3.1)

Supervisor _____

Replacing Supervisor _____

For: _____ Meeting
(Date) (Committee)

RECEIVED
BOARD OF SUPERVISORS
SAN FRANCISCO
14 SEP 30 AM 10:34

David Chiu
David Chiu, President
809 Board of Supervisors

Member, Board of Supervisors
District 9



Orig: COB
c: NSS Clerks
City and County of San Francisco Leg D

DAVID CAMPOS

DATE: October 15, 2014
TO: Angela Calvillo
Clerk of the Board of Supervisors
FROM: Supervisor David Campos
RE: Neighborhood Services and Safety Committee
COMMITTEE REPORT

A handwritten signature in black ink that reads "David Campos".

RECEIVED
BOARD OF SUPERVISORS
SAN FRANCISCO
2014 OCT 15 PM 2:00

Pursuant to Board Rule 4.20, as Chair of the Neighborhood Services and Safety Committee, I have deemed the following matter is of an urgent nature and request it be considered by the full Board on October 28, 2014, as a Committee Report:

141001 Administrative Code - Requiring City Contractors to Submit an Equal Pay Report and Establishing an Equal Pay Advisory Board

Ordinance amending the Administrative Code to require certain City contractors and subcontractors with 20 or more employees to submit an Equal Pay Report regarding compensation paid to employees; and establishing the Equal Pay Advisory Board to analyze and recommend the best methods of data collection that will identify wage gaps, and setting forth the membership and duties of the Advisory Board.

This matter will be heard in the Neighborhood Services and Safety Committee Special Meeting on October 23, 2014, at 1:00 p.m.

BOARD of SUPERVISORS



City Hall
Dr. Carlton B. Goodlett Place, Room 244
San Francisco 94102-4689
Tel. No. 554-5184
Fax No. 554-5163
TDD/TTY No. 554-5227

MEMORANDUM

NEIGHBORHOOD SERVICES & SAFETY COMMITTEE

SAN FRANCISCO BOARD OF SUPERVISORS

TO: Supervisor David Campos, Chair
Neighborhood Services & Safety Committee

FROM: Derek Evans, Assistant Committee Clerk

DATE: October 24, 2014

SUBJECT: **COMMITTEE REPORT, BOARD MEETING**
Tuesday, October 28, 2014

The following file should be presented as a **COMMITTEE REPORT** at the Board meeting, Tuesday, October 28, 2014. This item was acted upon at the Neighborhood Service and Safety Committee Special Meeting on Thursday, October 23, 2014, at 1:00 p.m., by the votes indicated.

Item No. 2 File No. 141001

Ordinance amending the Administrative Code to require certain City contractors and subcontractors with 20 or more employees to submit an Equal Pay Report regarding compensation paid to employees; and establishing the Equal Pay Advisory Board to analyze and recommend the best methods of data collection that will identify wage gaps, and setting forth the membership and duties of the Advisory Board.

AMENDED, AN AMENDMENT OF THE WHOLE BEARING SAME TITLE

Vote: Supervisor David Campos - Aye
Supervisor Eric Mar - Aye
Supervisor Norman Yee - Aye

RECOMMENDED AS AMENDED AS A COMMITTEE REPORT

Vote: Supervisor David Campos - Aye
Supervisor Eric Mar - Aye
Supervisor Norman Yee - Aye

Cc: Board of Supervisors
Angela Calvillo, Clerk of the Board
Rick Caldeira, Legislative Deputy
Jon Givner, Deputy City Attorney

BOARD of SUPERVISORS



City Hall
Dr. Carlton B. Goodlett Place, Room 244
San Francisco 94102-4689
Tel. No. 554-5184
Fax No. 554-5163
TDD/TTY No. 554-5227

MEMORANDUM

TO: Emily Murase, Executive Director, Department on the Status of Women
Theresa Sparks, Executive Director, Human Rights Commission

FROM: Alisa Somera, Clerk, Rules Committee
Board of Supervisors

DATE: September 29, 2014

SUBJECT: LEGISLATION INTRODUCED

The Board of Supervisors' Rules Committee has received the following proposed legislation, introduced by Supervisor Campos on September 23, 2014. This matter is being referred to your department for informational purposes.

File No. 141001

Ordinance amending the Administrative Code to require certain City contractors and subcontractors with 20 or more employees to submit an Equal Pay Report regarding compensation paid to employees; and establishing the Equal Pay Advisory Board to analyze and recommend the best methods of data collection that will identify wage gaps, and setting forth the membership and duties of the Advisory Board.

If you wish to submit any reports or documentation to be considered with the legislation, please send those to me at the Board of Supervisors, City Hall, Room 244, 1 Dr. Carlton B. Goodlett Place, San Francisco, CA 94102.

c: Cynthia Vasquez, Secretary, Commission on the Status of Women
Sheryl Cowan, Secretary, Human Rights Commission

Print Form

Introduction Form

By a Member of the Board of Supervisors or the Mayor

Time stamp
or meeting date

I hereby submit the following item for introduction (select only one):

- 1. For reference to Committee. (An Ordinance, Resolution, Motion, or Charter Amendment)
- 2. Request for next printed agenda Without Reference to Committee.
- 3. Request for hearing on a subject matter at Committee.
- 4. Request for letter beginning "Supervisor [] inquires"
- 5. City Attorney request.
- 6. Call File No. [] from Committee.
- 7. Budget Analyst request (attach written motion).
- 8. Substitute Legislation File No. []
- 9. Reactivate File No. []
- 10. Question(s) submitted for Mayoral Appearance before the BOS on []

Please check the appropriate boxes. The proposed legislation should be forwarded to the following:

- Small Business Commission Youth Commission Ethics Commission
- Planning Commission Building Inspection Commission

Note: For the Imperative Agenda (a resolution not on the printed agenda), use a Imperative Form.

Sponsor(s):

Campos; Kim, Avalos

Subject:

Administrative Code - Requiring City Contractors to Submit Equal Pay Report; Creating Equal Pay Advisory Board

The text is listed below or attached:

[]

Signature of Sponsoring Supervisor: *David Campos*

For Clerk's Use Only:

141001

